

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America, )  
 ) File No. 22-CR-162  
 ) (DSD/TNL)  
Plaintiff, )  
 )  
vs. ) Minneapolis, Minnesota  
 ) May 11, 2023  
Joshua Gunnar Olson, ) 9:05 a.m.  
 )  
Defendant. )  
-----

BEFORE THE HONORABLE TONY N. LEUNG  
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE  
(COMPETENCY HEARING)

**APPEARANCES:**

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**P R O C E E D I N G S**

**IN OPEN COURT**

THE COURT: Good morning, everyone. This is the United States District Court for the District of Minnesota, and we have a case here today. It is captioned United States of America versus Joshua Olson, 22-CR-162.

Government counsel, identify yourself for the record.

MS. POLACHEK: Good morning. Emily Polachek on behalf of the United States.

THE COURT: Ms. Polachek.

And Mr. Bruder for Mr. Olson.

MR. BRUDER: Good morning, Your Honor. My name is Glenn Bruder, last name is spelled B-R-U-D-E-R, appearing this morning on behalf of Mr. Olson, who is seated to my right.

THE COURT: Good morning, gentlemen. Thank you for being here.

Well, we're here for the hearing, so how do you folks want to proceed here today?

MS. POLACHEK: Your Honor, the Government is not contesting the findings in the competency report that Mr. Olson lacks competency to proceed --

THE COURT: Could you speak up? Could you go to the center podium? And also, are you submitting a report or

1 anything like that?

2 MS. POLACHEK: I believe the report has been filed  
3 on ECF.

4 THE COURT: Do you want to submit it for purposes  
5 of today?

6 MS. POLACHEK: Sure, Your Honor, we will submit  
7 that.

8 So at this point then, I think that the Court is  
9 obligated by statute to order Mr. Olson into the Bureau of  
10 Prisons' custody to go to an FMC to be rehabilitated -- or  
11 to see whether he can be rehabilitated.

12 THE COURT: And the Government, you're not  
13 challenging Dr. Nybo's report; is that correct?

14 MS. POLACHEK: That's correct.

15 THE COURT: Is the Government presenting any  
16 additional evidence or testimony on the issue of defendant's  
17 competency?

18 MS. POLACHEK: No, Your Honor.

19 THE COURT: Anything further from the Government?

20 MS. POLACHEK: No, except that I do believe under  
21 Eighth Circuit law, Mr. Olson has to be given the  
22 opportunity to speak at this hearing, if he would like to.  
23 So I'd just note that for the record.

24 THE COURT: Okay. Thank you.

25 Mr. Bruder, is the defense challenging Dr. Nybo's

1 report or his conclusions?

2 MR. BRUDER: I'm a little bit conflicted here,  
3 Your Honor. I have requested the report, and Mr. Olson has  
4 reviewed the report and has indicated to me quite clearly  
5 that he does not agree with the conclusions in Dr. Nybo's  
6 report.

7 Mr. Olson has also indicated to me this morning  
8 that he wishes to have me replaced as his attorney. And he  
9 has, I believe, prepared a memorandum which he handed to me  
10 a few minutes ago. I do not know if that's been filed with  
11 the Court or if you've had an opportunity to review it. I  
12 haven't had an opportunity to absorb the memorandum, so I  
13 can't tell you what it says exactly, although I believe he  
14 makes a series of assertions of procedural and substantive  
15 irregularities in association with the report itself.

16 Beyond that, Your Honor, I'm not sure what more I  
17 can say, other than the fact that Mr. Olson has repeatedly  
18 informed me that he does wish to address the Court with  
19 respect to the issue of the validity of Dr. Nybo's report.

20 THE COURT: Very well. Thank you, Counsel.

21 Anything from Government on that?

22 MS. POLACHEK: Your Honor, we would not take a  
23 position on any motion for Mr. Bruder to withdraw as counsel  
24 or be replaced except to say that Mr. Bruder is the second  
25 attorney that's been assigned to Mr. Olson, so I'm not sure

1       whether he would get a third from the Federal Defender's  
2       Office.

3               I think that given Dr. Nybo's findings, at this  
4       point he should be sent for potential rehabilitation to  
5       ensure that any decisions about what he does next as far as  
6       representation are made knowingly and with the appropriate  
7       finding of competency.

8               THE COURT:   Thank you.

9               Anything else on your specific part, Mr. Bruder?

10              MR. BRUDER:   Nothing, other than that I would  
11       relay to the Court that Mr. Olson has repeatedly expressed a  
12       desire to address the Court today.

13              THE COURT:   Sure.   Thank you.

14              All right.   It should be noted that under  
15       18 U.S.C. 4247(d), that defendant shall be afforded an  
16       opportunity to testify, to present evidence, to subpoena  
17       witnesses on behalf and to confront and cross-examine  
18       witnesses who appear at the hearing.

19              So it sounds like, Ms. Olson, you want to address  
20       the Court?

21              THE DEFENDANT:   That's correct, Your Honor.

22              THE COURT:   All right.   Go ahead.

23              THE DEFENDANT:   Would you like me to step forward  
24       or stay seated?

25              THE COURT:   You can just stay there.

1 THE DEFENDANT: Okay. So I have a motion and  
2 memorandum supporting the Federal Rules of Criminal  
3 Procedure 12.2, Section C, Subdivision 2, and I would like  
4 to address this for the Court. I have two for the clerk,  
5 one for the prosecutor, and one for the magistrate.

6 THE COURT: Have you shown it to opposing --

7 THE DEFENDANT: I have not. Can I address it and  
8 walk it over?

9 THE COURT: Mr. Bruder --

10 MS. POLACHEK: If this has privileged  
11 communications, then I'm not sure the Government wants to  
12 see it and if we should step out.

13 THE DEFENDANT: It's the same inclusion as  
14 Dr. Nybo's report, so there's no privilege in it.

15 THE COURT: Mr. Bruder, can you flip through that?  
16 And what is it?

17 MR. BRUDER: It's about 11 pages long, but if you  
18 give me a minute --

19 THE COURT: Yeah.

20 THE DEFENDANT: If I may, Your Honor. If we could  
21 address the Court for a quick recess to gather my notes and  
22 then we can proceed as follows.

23 THE COURT: I think Mr. Bruder will be pretty  
24 quick. Do you want to go ahead with the rest of your  
25 argument to me?

1 THE DEFENDANT: Yeah. I just wanted a minute to  
2 reflect on my notes. I had some unforeseen procedures that  
3 I'm trying to include, as well as a motion for withdrawal,  
4 and I'm just a little disheveled at the moment.

5 THE COURT: How much time are you looking for?

6 THE DEFENDANT: I don't know. Five, ten minutes.  
7 Just enough time for the prosecution and Mr. Bruder to go  
8 over the report.

9 THE COURT: Marshals, does the five-, ten-minute  
10 timeframe work for you guys?

11 U.S. MARSHALS: Yes.

12 THE COURT: All right. Well, why don't we do ten  
13 minutes then, okay?

14 THE DEFENDANT: Okay.

15 THE COURT: All right. We'll see you in a little  
16 bit.

17 THE DEFENDANT: Thank you.

18 THE COURT: All right. We'll take a ten-minute  
19 recess and we'll be back.

20 (Off the record from 9:12 a.m. until 9:21 a.m.)

21 THE COURT: Okay, folks, we are back on the record  
22 after a short recess in the case of United States of America  
23 versus Joshua Gunnar Olson, case number 22-CR-162.

24 We're here for a competency hearing under  
25 18 U.S.C. 4241(d) for determination on defendant's mental

1 competency to stand trial at this time. And defendant has  
2 undergone a competency evaluation at Federal Detention  
3 Center, SeaTac. An evaluation was completed and report  
4 prepared by Forensic Unit Psychologist Dr. Nybo, and that's  
5 in ECF Number 30, and that's been provided to all counsel  
6 and Mr. Olson.

7 So the Government basically did not challenge  
8 Dr. Nybo's report or any of the conclusions, is not seeking  
9 to present any arguments or evidence, and Mr. Bruder made  
10 his record.

11 And, Mr. Olson, I was in the process of providing  
12 him an opportunity to address the Court or do what he's  
13 permitted under 18 U.S.C. 4247(d), as I indicated. And  
14 Mr. Olson requested -- well, submitted -- wanted me to look  
15 at a document, and so I wanted to make sure at least  
16 Mr. Bruder looked it over. And the Government reminded the  
17 Court that they don't necessarily need to see the document  
18 because the Government doesn't know what's in it. It could  
19 be your communication with your lawyer, and that shouldn't  
20 be in the Government's hands.

21 So then Mr. Olson asked for about five to ten  
22 minutes, I believe, for additional time to get ready to  
23 present, and so now we're back on the record.

24 Mr. Olson, have I pretty accurately stated sort of  
25 the background?



1 THE DEFENDANT: I think you sufficiently presented  
2 that well, so . . .

3 THE COURT: Go ahead. It's your case now.

4 THE DEFENDANT: Okay. So for the record, I want  
5 to put three issues on point. One being the delay -- the  
6 undue delay in prejudice to a speedy trial under  
7 18 U.S.C.S. 3161.

8 There's a case that went to the Supreme Court, and  
9 it's *United States vs. Taylor*. Now, it calls for 55 days,  
10 ten days for transport and 45 days for the valuation.  
11 Anything else isn't subject to exclusion. Underneath that  
12 case note, there's 70 days that the defendant was held for a  
13 psych evaluation, was not excludable under a 70-day clock as  
14 there was no intent by Congress for time limits of  
15 4247(b) --

16 THE COURT: Mr. Olson, you have to slow down  
17 because she has to --

18 THE DEFENDANT: Okay. I'll start again.

19 Under the time clock for a speedy trial under 3161  
20 18 U.S.C.S., 70 days that the defendant was held for a psych  
21 evaluation was not excludable under a 70-day clock, as there  
22 was no intent by Congress for time limits of 4247(b) to  
23 modify the language of 3161. And that's *United States vs.*  
24 *Taylor*. So it's, I guess, the oppressive pre-indictment  
25 delay.

1           Also, I wanted to put on the record for the matter  
2           of my motion, under *United States vs. Becerra*, the  
3           individual is more akin to a trial than a decision to  
4           hospitalize an already incarcerated defendant under  
5           18 U.S.C.S. 4241.

6           Now, I touched base on three issues in Dr. Nybo's  
7           report, one being that he finds me delusional ideation on  
8           the basis of incompetency to effectively render or assist in  
9           the defense of this case. And I'd have to disagree with  
10          that substantially.

11          There's been prevalent issues as well as motions  
12          filed in the past that at this point I believe are subject  
13          to an interlocutory injunction based off of a summary  
14          judgment that hasn't been handed down on the motion. And  
15          that was -- I believe it was dated December 15th, 2022. And  
16          I'm still awaiting decision under magistrate's orders on  
17          that, as well as my new motion today that I would like to  
18          get a summary judgment on.

19          Also for the record, I want to reiterate for the  
20          record that attorney-client confidentiality and the matter  
21          in need for that under Rules of Evidence 501 and how that  
22          governs a claim of privilege, as well as 403, to an expert  
23          testimony.

24          So Dr. Nybo's report, he bases his report on a  
25          delusional ideation that Mr. Olson believes there is a

1 conspiracy against him to ensure a conviction in this case  
2 by multiple counties as well as at the hands of Sherburne  
3 County jailers.

4 Now, I touched base on a case that I have in civil  
5 litigation in which I am potentially going to be a party to  
6 a civil action. It's under *Goldmann vs. Sherburne County*.  
7 And the civil action is CV-21-02530. And the lead counsel  
8 on that is Nico Ratowski for Contreras & Metelska. I think  
9 that's the relevant information to be able to corroborate  
10 testimony from Mr. Olson, which is being me as the  
11 defendant, in regards to the conspiracy to deprive my civil  
12 rights in this case.

13 Dr. Nybo also states his report on an ATF agent  
14 that was currently investigating the case by the name of  
15 Christopher Johnson. I have a personal relationship with  
16 this individual prior to any incarceration or any alleged  
17 charges, and I'm going to be asking the Court to issue blank  
18 subpoenas and governing documentation for discovery of that  
19 individual, as well as Dr. Nybo for privileged  
20 communications that were improperly breached. So if that  
21 could be also satisfied today.

22 Dr. Nybo bases his report on the record that it's  
23 not based in reality that the ATF agent is a former coworker  
24 in the sheet metal union and alluded to how he planned to  
25 call this person as a witness, as a possible cornerstone of

1 his defense strategy.

2 And he also states in the record that there is  
3 evidence to the contrary substantiating his claims that  
4 Mr. Olson reports that the ATF agent is not who he says he  
5 is.

6 So I'm calling forth in record and planning to  
7 subpoena Dr. Nybo to produce the evidence contrary to  
8 effectuate that statement for this individual ATF agent, for  
9 which I know personally as Christopher Johnson.

10 And also, I disagree with the incompetency  
11 evaluation on the ability to assist defense counsel. I have  
12 not been given an opportune time in order to speak with  
13 counsel. He has not been available at the times during  
14 speaking -- trying to get in contact with him.

15 My mother is in court today. She's seated right  
16 behind me. Her name is Lynn Ann Love. I can state that for  
17 the record. She has attempted to call Mr. Bruder, I would  
18 say, a numerous of 20 to 30 times, left multiple voicemails,  
19 which are all recorded and documented, times and dates, to  
20 no avail. No return phone calls from his receptionist or  
21 legal assistant.

22 Mr. Bruder, for the record, filed a motion, I  
23 believe it was dated in November, I want to say 11/22/2022,  
24 and that was for a mental health evaluation. An absent  
25 waiver was not notified for the record in order for filing

1 of that motion. I was not in agreeance of that motion.

2 I informed Mr. Bruder, do not file that motion, as  
3 I had a different implementation for a defense strategy. He  
4 informed me that it was already too late and he had sent it  
5 to the magistrate. So I submitted an objection to that on  
6 the pretenses of, you know, I can't be forced to comply with  
7 a court-ordered evaluation because it's an unconstitutional  
8 right to be subjected to that sort of treatment without my  
9 approval. As defense counsel under *Faretta vs. California*,  
10 doesn't get the right to make motions or filings without  
11 permission from the client, as the holder of the privilege,  
12 as the client and not the attorney.

13 So also under that injunction for the motion filed  
14 for the incompetency, I would attest to the fact that  
15 Mr. Bruder's communications that were submitted to Dr. Nybo  
16 are privileged. And I believe the Court has a wide  
17 discretion in finding waivers of privilege that could be  
18 handled, I don't know, either a writ of mandamus, in order  
19 to handle abuse and discretion. So I'm going to be pursuing  
20 that under summary judgment, as well as a motion and  
21 memorandum supporting, with the subpoena to subpoena the  
22 records of confidentiality that were disclosed.

23 I don't believe that my attorney, Mr. Bruder, can  
24 effectively assist in my defense on the basis of the  
25 relationship and the confidentiality that has been so

1       improperly breached. I don't believe that there is a  
2       furtherance as incompatible with the defense strategy.

3               There is also a work product immunity that I  
4       believe has been improperly breached as to a defense  
5       strategy that Mr. Nybo, subsequently in his investigatory  
6       conclusioning, his prerogative is very indicative of trying  
7       to figure out what my defense strategy was on the basis of  
8       coercing information out of me with the psychological  
9       inabilities of the defendant. And he bases that on the  
10      effect of "his intelligence was believed to be average."  
11      And that is noticed on page 8 of 11.

12             He also states in there that my legal strategy  
13      made several concerning statements during this evaluation.  
14      He makes five clear, pertinent reasoning as to trying to  
15      figure out what my defense strategy is. That information  
16      was relayed to Dr. Nybo with confidential communications  
17      with my attorney against my wishes in multiple emails  
18      dated -- I could submit as evidence in the future upon  
19      subpoena. So I would have to disagree with the incompetency  
20      of that.

21             Also, on the basis of "to effectively communicate  
22      with defense counsel," I don't have that ability to  
23      effectively communicate. I have reached out to Mr. Bruder  
24      numerous times, I would say. I have a letter from him  
25      dating -- November to December, I attempted to contact him

1 26 times in one weekend in regards to a case and the motion  
2 that was filed for a competency prior to leaving for the  
3 evaluation, to no avail.

4 I had a return email -- or letter stating that  
5 it's very disruptive and unprofessional of me to reach out  
6 to them this many times. I've attempted to contact him, 15  
7 letters in the course of a four-month period from December  
8 until present, with two return letters and no return phone  
9 calls. And I have it documented. I have 37 phone calls and  
10 14 voicemails I've left him in the four-month period with no  
11 return phone calls.

12 And only two returned visits. During the visits,  
13 I don't get adequate time. As per *Strickland vs.*  
14 *Washington*, I believe it's ineffective assistant of counsel,  
15 and I'm going to be making an OLPR request as well as a  
16 *Strickland* motion in regards to ineffective assistance of  
17 counsel.

18 Also, in regards to --

19 THE COURT: Slow down a little bit.

20 THE DEFENDANT: Also, as it pertains to *Faretta*  
21 *vs. California*, he's an assistant by legal standard. The  
22 client is the privilege holder, and he does not get to make  
23 informed decisions without notifying the client first. I  
24 want that on the record.

25 If need be, I will be pursuing a civil litigation

1       against him in the attorney-client communication breach, as  
2       well as his firm.

3               I discussed adequate representation of counsel  
4       prior to this hearing. I believe it was in December --  
5       prior to December 15th under the statute 18 U.S.C.S. 3006A.  
6       It clearly states, "adequate representation of counsel."

7               I'm also going to be subpoenaing records from  
8       Mr. Bruder's firm in the effect of work statements and/or  
9       payroll for hours billable for this case, and that's under  
10      *United States vs. Knott*, which is a case out of New York  
11      that went to the Supreme Court for an individual under  
12      adequate representation of counsel in the *Strickland* test.  
13      So I'm also going to be making motions to that.

14              But I want to reiterate to the Court the effect of  
15      the relationship between client and attorney and how that  
16      privilege is deemed constitutional. It's a safeguard to  
17      protect against certain relationship procedure malfunctions  
18      and how that can be reiterated to the fact of he doesn't get  
19      to make informed decisions without my approval.

20              We've had numerous conversations prior to today  
21      basing this information, and he tries to have a controlling  
22      standard -- or a standpoint in reasoning. He says that I  
23      don't understand legal concepts, and he's not willing to  
24      understand my legal principle and how that applies to the  
25      situation.



1 I believe I have a cognitive ability and a high  
2 intelligence in order to be able to assist in my own  
3 defense, as well as the competency to stand trial in this  
4 court proceeding.

5 It's been over a year. I still have not had an  
6 arraignment. I've requested a bail and detention hearing,  
7 under 18 U.S.C.S. 3142. This is the third time now on  
8 record that I've requested it and still to no avail.

9 I have pending issues in the state proceeding, as  
10 well as the federal, that are the identical claim, which a  
11 defense strategy could be implemented on that I've discussed  
12 with Mr. Bruder, to no avail.

13 I also have an ongoing proceeding in Anoka County  
14 for the same identical case. That is forestalled at this  
15 very point in time because of this proceeding under  
16 Mr. Bruder's orders to not worry about the state until the  
17 federal proceeding is finished. And I have confusions in  
18 the record with Mr. Bruder on a defense strategy as  
19 pertaining to that.

20 Certain defense strategies pertaining to the  
21 record of the date of arrest in discovery material that I've  
22 relaid to Mr. Bruder in regards to some releases of  
23 information was improperly breached to Dr. Nybo under  
24 client-protected communications. That was going to be  
25 implemented into a trial preparation and/or litigation.

1 That was improperly breached by Mr. Bruder to Dr. Nybo in a  
2 multitude of tumultuous emails that I'm also going to be  
3 submitting a subpoena as it relates to Brady material of the  
4 ATF agent.

5 So on the basis of competency, I feel I have a  
6 highly relevant basis to have a cognitive decision brought  
7 in my favor, as well as the motion for competency. I don't  
8 believe that hospitalization for a defendant that's already  
9 incarcerated for a period of a year -- the statute states  
10 under 18 U.S.C.S. 3161 for the Speedy Trial Act, it states  
11 70 days to jury trial.

12 And as I stated under *U.S. vs. Taylor*, the time  
13 limit and exclusion for an evaluation is 45 days as per the  
14 Supreme Court precedent and ten days for transport. I was  
15 in transport and evaluation for a period of over 120 days.  
16 I believe that's an undue prejudice that's been biased  
17 against me in the speedy trial delay. I've acknowledged  
18 this to Mr. Bruder on several occasions, as well as my  
19 mother and my father, leaving voicemails to no avail.

20 I've attempted to reach out to multiple other  
21 firms and securing advice from counsel or possibly getting  
22 pro bono work because I can't afford a private attorney at  
23 this point, to no avail.

24 I'm still going through a multitude of civil  
25 litigations with Sherburne County, and I'm getting some

1 redress specifically to the civil litigation with Contreras  
2 vs. [sic] Metelska.

3 Now, my civil attorney that I've been in contact  
4 with advised me to err on the side of caution in regards to  
5 this civil matter with this criminal proceeding, as he's in  
6 fear for sentence enhancement just on the basis of bias by  
7 Mr. Leung on the basis of he was the presiding judge on the  
8 civil litigation that's being represented by him. So I want  
9 to put that on the record for reiteration.

10 Also, for one final thing, under the Federal Rules  
11 of Criminal Procedure 17, Section A, it states that  
12 subpoenas are to be issued to counsel in blank, and counsel  
13 then issues subpoenas. Leave of court isn't required. And  
14 that's under *United States vs. Van Allen*. And that is a  
15 Supreme Court case.

16 So I wanted to get this all on the record for  
17 reiteration. And nothing further.

18 THE COURT: Did you want to submit that document  
19 you talked about earlier?

20 THE DEFENDANT: Yes, I'd like to submit that.

21 THE COURT: Okay. Mr. Bruder, could you assist --  
22 mark that as Defendant Exhibit 1? Do we need to put that  
23 under seal? I don't know what it is, so . . .

24 MR. BRUDER: Your Honor, the only reason that I  
25 would suggest -- first of all, I've reviewed the document.

1 It does not disclose any privileged information to the  
2 extent there's anything that would be maybe fairly labeled  
3 confidential. It's tied to the Nybo report, which has  
4 already been filed and the Court has received it.

5 So I don't know that this would necessarily need  
6 to be filed under seal, except to the extent that it does  
7 make reference to the Nybo report, which I don't think is  
8 publicly available. So to the extent that the Court wishes  
9 to preserve some measure of confidentiality, it perhaps  
10 should be filed under seal.

11 I did provide a copy to the U.S. attorney because  
12 there is nothing in here that she has not already been made  
13 aware of.

14 THE COURT: All right. The Court will receive  
15 your exhibit then under seal. Okay?

16 MR. BRUDER: Very well, Your Honor.

17 THE COURT: And just on that point -- anything  
18 else then?

19 THE DEFENDANT: I want to reiterate for the fact  
20 that it's also under the evaluation for Federal Rules of  
21 Criminal Procedure 12.2, Section C, Subdivision 2, for the  
22 medical examination. This is my written notice for the  
23 State for objection.

24 MS. POLACHEK: Your Honor, on that point, so 12.2  
25 is a notice of insanity defense. If that is the case, then

1 the Government would ask that the Court also order that when  
2 Mr. Olson is sent for rehabilitation, that if the Court  
3 could also request that BOP do an insanity evaluation at the  
4 same time to try to limit the amount of transportation back  
5 and forth.

6 THE COURT: Mr. Bruder, anything else on that one?

7 THE DEFENDANT: Your Honor, if I may.

8 THE COURT: Hold on, Mr. Olson. Let him, and then  
9 it will be your turn, okay?

10 MR. BRUDER: Your Honor, I'll let Mr. Olson speak  
11 because I think he had something different in mind. But  
12 from my standpoint, I think it would be premature to raise  
13 an insanity defense at this point in time, and I would not  
14 normally raise an insanity defense at this point.

15 The objective in the competency evaluation is to  
16 ascertain whether Mr. Olson was competent to proceed at this  
17 particular moment, and the evaluation by Dr. Nybo does  
18 indicate that there are treatments available that could  
19 return Mr. Olson to competency and that would be the  
20 objective that I would have at this particular moment in  
21 time.

22 THE COURT: Thank you.

23 Mr. Olson?

24 THE DEFENDANT: Your Honor, per my motion under  
25 12.2(c), I intended it for the written notice to object to

1 the mental health examination, not to the effect of an  
2 insanity plea. So I find caution on the error.

3 THE COURT: So you're not seeking --

4 THE DEFENDANT: I'm not seeking an insanity plea.  
5 I just was trying to inform the State of my decision to  
6 object to the mental health.

7 THE COURT: Understood. You've clarified that  
8 point. Thank you.

9 All right. Anything else?

10 THE DEFENDANT: No, Your Honor. Just other than I  
11 object to the mental competency, to be incompetent to  
12 effectively render an assist with my attorney.

13 THE COURT: Understood.

14 Anything else, Mr. Bruder?

15 MR. BRUDER: Your Honor, Mr. Olson said a number  
16 of things about me during his presentation. Unless the  
17 Court wants me to respond specifically to any of them, I  
18 think it would be best that I just not say anything.

19 THE COURT: No, this is not the time for further  
20 discussion of that point. We'll focus on the hearing at  
21 hand.

22 Government, did you formally submit the report?

23 MS. POLACHEK: Yes, at the beginning of this  
24 hearing.

25 THE COURT: And if I didn't already -- well, your

1 objections are even -- I think it's an objection, right,  
2 Mr. Olson?

3 THE DEFENDANT: I object to the incompetency, yes.

4 THE COURT: Got it.

5 Anything else for the record on the exhibit,  
6 Mr. Bruder?

7 MR. BRUDER: Your Honor, Mr. Olson is concerned  
8 that the Court understand that he wants nothing to do with  
9 an insanity plea, and I told him that I'm confident you've  
10 absorbed that.

11 As far as anything else is concerned, I have no  
12 additional information to present to the Court, other than  
13 to the extent I need to mark this memorandum as an exhibit  
14 and offer it to the Court.

15 Nothing further.

16 THE COURT: Very well. The Court receives then  
17 Government -- we'll mark it as Exhibit 1. And, again, I  
18 believe I already formally accepted Defense Exhibit 1 for  
19 purposes of this hearing.

20 All right. That concludes the hearing. Thanks,  
21 everyone.

22 We are in recess. The Court will take this under  
23 advisement. Thanks, everyone.

24 (Court adjourned at 9:43 a.m.)

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3 I, Paula K. Richter, certify that the foregoing is  
4 a correct transcript from the record of proceedings in the  
5 above-entitled matter.

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7 Certified by: s/ Paula K. Richter

8 Paula K. Richter, RMR-CRR-CRC  
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